

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
Eastern Division

ANTHONY DOMENIC REO,

)

Plaintiff,

)

v.

)

PALMER ADMINISTRATIVE SERVICES, INC. et al.,

)

Defendants.

)

Civil Case No.: _____

NOTICE OF REMOVAL

Defendants, Palmer Administrative Services and Michael Shaftel (collectively referred to herein as “Defendants”), by counsel, hereby remove the above-captioned action, Case Number 18CV001254, currently pending in the Court of Common Pleas of Lake County, Ohio, to the United States District Court for the Northern District of Ohio, Eastern Division. Removal is based upon 28 U.S.C. § 1331, 1441, and 1446. As grounds for removal, Defendants state the following:

1. Plaintiff Anthony Domenic Reo (“Plaintiff”) commenced this action on or about August 8, 2018, by filing a Complaint (“Complaint”) with Court of Common Pleas of Lake County, Ohio (“State Court Action”). The State Court Action was assigned Case Number 18CV001254.
2. The Complaint alleges violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, among other counts. Accordingly, removal is warranted because this Court has jurisdiction over the action pursuant to 28 U.S.C. § 1331 because the claims arise under the laws of the United States and this Court has original federal question subject matter jurisdiction.
3. Removal to this court is proper. Venue for removal is proper in this district under 27 U.S.C. § 1441(a) because Lake County, Ohio—the forum in which the removed action is pending—lies

within this district. Pursuant to 28 U.S.C. §§ 1441 and 1446, this Notice of Removal is being filed in this Court, which is the federal district court embracing the state court where the State Court Action was filed.

4. Removal is timely. The Summons and Complaint were first received by Defendant Palmer Administrative Services on August 14, 2018, and by Defendant Michael Shaftel on August 13, 2018. Receipt of the Summons and Complaint was the first notice of the State Court Action received by the Defendants. This Notice of Removal is being filed within (30) days after receipt by Defendants of the State Court Action Complaint. See 28 U.S.C. § 1446(b).

5. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. See 28 U.S.C. § 1446(a).

6. All other procedural requirements have been met.

- a. Attached hereto is a copy of the Summons to Palmer Administrative Services, Inc. as Exhibit A.
- b. Attached hereto is a copy of the Summons to Michael Shaftel as Exhibit B.
- c. Attached hereto is a copy of the Complaint as Exhibit C.
- d. Exhibits A - C constitute all process, pleadings, documents and orders served upon Defendants the State Court Action to date.
- e. Attached hereto as Exhibit D is a copy of the Notice of Filing of Notice of Removal that Defendants have filed with the Civil Clerk of Court of Common Pleas of Lake County, Ohio, and has been served upon the Plaintiff.

WHEREFORE, this action should proceed in the United States District Court for the Northern District of Ohio, Cleveland Division, as an action properly removed thereto.

Dated September 10, 2018

Respectfully Submitted,

DINN HOCHMAN & POTTER, LLC:

/s/ Benjamin D. Carnahan

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*Attorneys for Palmer Administrative Services, Inc.
and Michael Shafel*

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2018, I caused a copy of the foregoing document to be served upon Bryan Anthony Reo, counsel for Plaintiff, via first class mail, postage prepaid, to 7143 Rippling Brook Lane, Mentor, OH 44060/ PO BOX 5100, Mentor, Ohio, and by email to reo@reolaw.org.

/s/ Benjamin D. Carnahan

Benjamin D. Carnahan